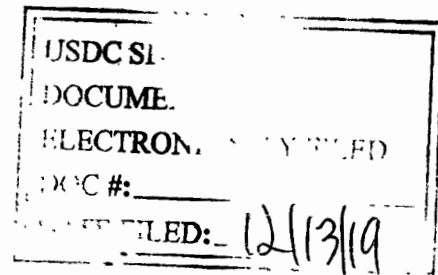


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



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UNITED STATES OF AMERICA

- v. -

BARRY SCHWARTZ,

Defendant.
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PRELIMINARY ORDER
OF FORFEITURE/
MONEY JUDGMENT

17 Cr. 638 (JSR)

WHEREAS, on or about October 13, 2017, BARRY SCHWARTZ (the "Defendant"), among others, was charged in a three-count Indictment 17 Cr. 638 (RWS) (the "Indictment") with conspiracy to commit securities fraud and wire fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff and Title 18, United States Code, Section 1343 (Count One); securities fraud, in violation of Title 15, United States Code, Sections 78j(b) and 78ff and Title 17, Code of Federal Regulations, Section 240.10b-5 (Count Two); and wire fraud, in violation of Title 18, United States Code, Sections 1343 and 2 (Count Three);

WHEREAS, the Indictment included a forfeiture allegation as to Counts One through Three, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461, of any and all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses charged in Counts One through Three of the Indictment;

WHEREAS, on or about August 20, 2018, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegation with respect to Count One of the Indictment and agreed to forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28,

United States Code, Section 2461, a sum of money equal to \$2,163,214.00 in United States currency, representing the amount of proceeds traceable to the commission of the offense charged in Count One of the Indictment;

WHEREAS, the Defendant consents to the entry of a money judgment in the amount of \$2,163,214.00 in United States currency representing the amount of proceeds traceable to Count One that the Defendant personally obtained, of which the Defendant is jointly and severally liable with co-defendant Lisa Bershan to the extent a forfeiture money judgment is entered against Lisa Bershan in this case and of which \$90,438.00 in United States currency the Defendant is jointly and severally liable with co-defendant Joel Margulies to the extent a forfeiture money judgment is entered against Joel Margulies in this case; and

WHEREAS, the Defendant admits that, as a result of acts and/or omissions of the Defendant, the proceeds traceable to the offense charged in Count One that the Defendant personally obtained cannot be located upon the exercise of due diligence;

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorneys Christine Magdo and Negar Tekeei of counsel, and the Defendant, and his counsel, Susan Marcus, Esq., that:

1. As a result of the offense charged in Count One of the Indictment, to which the Defendant pled guilty, a money judgment in the amount of \$2,163,214.00 in United States currency (the "Money Judgment"), of which the defendant is jointly and severally liable with co-defendant Lisa Bershan to the extent a forfeiture money judgment is entered against Lisa Bershan in this case and of which \$90,438.00 in United States currency the defendant is jointly and

severally liable with co-defendant Joel Margulies to the extent a forfeiture money judgment is entered against Joel Margulies in this case, shall be entered against the Defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture /Money Judgment is final as to the Defendant, BARRY SCHWARTZ, and shall be deemed part of the sentence of the Defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, Southern District of New York, Attn: Money Laundering and Transnational Criminal Enterprises Unit, One St. Andrew's Plaza, New York, New York 10007 and shall indicate the Defendant's name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.


6. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.

7. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture /Money Judgment to Assistant United States Attorney Alexander

J. Wilson, Co-Chief, Money Laundering & Transnational Criminal Enterprises Unit, United States

Attorney's Office, One St. Andrew's Plaza, New York, NY 10007.

SO ORDERED:



HONORABLE JED S. RAKOFF
UNITED STATES DISTRICT JUDGE

12/13/19
DATE